

Complaint Procedures for Federal Programs under the No Child Left Behind Act of 2001

What must be included in a complaint?

A complaint must be submitted in writing to the Tennessee Department of Education, Federal Programs Office. Persons issuing verbal complaints will be asked to complete a written complaint form prior to any official investigation.

The complaint must include the name and address of the person submitting the complaint and a description of the complaint. The complaint must also include a statement that the agency has violated a requirement of a federal statute or regulation that applies to an applicable program. In addition, the facts on which the statement is based and the specific requirement allegedly violated must be included.

Where should a complaint be sent?

The mailing address is: Tennessee Department of Education, Federal Programs Office, 5th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-0379.

What happens to complaints after they are received by the Federal Programs Office?

A. Complaint Receipt

Within 14 calendar days of receipt of a complaint, a letter of acknowledgement will be sent to the complainant and the agency involved. This letter will provide information concerning the general procedures that will be followed and the timelines of investigation.

B. Complaint Review

- a. In the first level of review, a complaint shall be answered by the Executive Director, with assistance from staff.
- b. Appropriate program staff will conduct an on-site review of the complaint, if necessary.
- c. The Executive Director shall determine whether additional information is necessary. If it appears from this review that there are very serious problems, such as embezzlement of funds or child abuse, then the information gathered will be forwarded to other appropriate offices or organizations.
- d. Once the investigation has been completed, the Federal Programs Office will issue a letter stating the findings of facts. The letter stating the findings of fact shall be mailed no later than 60 days from the date the Federal Programs Office receives the complaint in writing.

- e. If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.
- f. The Federal Programs Office may extend the 60-day timeline, if exceptional circumstances exist. Some examples of exceptional circumstances are:
 - the complexity of the issues;
 - the need for additional information; and/or
 - the unavailability of any of the necessary parties.

C. Appeals

- a. An individual may appeal an administrative determination of the Executive Director. The individual must submit the appeal in writing to the address above. The appeal must be postmarked no later than 25 calendar days after the date the Executive Director's determination is made.
- b. A final decision on the complaint shall be made after consulting with the Commissioner of Education.
- c. The Executive Director shall provide written notification to the individual who submitted the complaint about the disposition of the complaint no later than 30 days after the Commissioner has taken final action with respect to the complaint.
- d. The complainant has the right to request the Secretary of Education to review the decision of the State Department of Education. This review is at the Secretary's discretion.
- e. In matters involving violations of section 9503 (participation of private school children), the complainant has the right to request the Secretary of Education to review the decision of the State Department of Education. The Secretary will follow the procedures in section 9503(b). For additional information on complaint procedures for participation of private school children, visit: <http://www.ed.gov/policy/elsec/leg/esea02/pg111.html#sec9503>.